

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JIMMIE MAHAN JR.,

Plaintiff,

No. 1:22-cv-00458-JFR/JHR

REHOBOTH TRUCKING, LLC, and  
FITSUM GEBRETSADIK,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO QUASH SUBPOENAS TO PRODUCE  
DOCUMENTS TO ROCKY MOUNTAIN TRANSPORTATION, INC. & EXPRESS  
EMPLOYMENT PROFESSIONALS**

This matter came before the Court on *Plaintiff's Motion to Quash Subpoenas to Produce Documents to Rocky Mountain Transportation, Inc. & Express Employment Professionals* filed October 25, 2022. [Doc. 23]. Defendants filed a response on November 1, 2022 [Doc. 25] and Plaintiff waived filing a reply. The Court heard oral argument at a telephonic hearing held November 15, 2022 attended by Plaintiff's counsel Burgess Williams and Defendants' counsel Lauren Winston.

The Court will deny Plaintiff's motion for the reasons stated on the record at the hearing, summarized as follows: the scope of the subpoenas does not appear overbroad given the claims and defenses in the case, and Plaintiff's general assertions of privilege and privacy interest are not sufficient to satisfy Plaintiff's burden.

Although the motion is denied, it appears likely that the contents of the respondents' employee files will contain certain information which is either protected personal information under Federal Rule of Civil Procedure 5.2 or other personal information the publication of which would not materially contribute to resolution of the case. For those reasons, the Court recommends

that the parties discuss preparation of a stipulated confidentiality order which will protect private information from unnecessary disclosure. If the parties are unable to stipulate regarding these materials, a motion for protective order may be appropriate.

To assure that Plaintiff can participate meaningfully in discussion of a proposed protective order, and in keeping with the duty to supplement discovery responses, Defendants shall disclose to Plaintiff the entirety of the responses to these subpoenas within a reasonable time after they are received.

IT IS SO ORDERED.



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JERRY H. RITTER  
U.S. MAGISTRATE JUDGE